

Notice of Allowability

Application No.

10/699,554

Examiner

Michael Trettel

Applicant(s)

WILSON, WILLIAM H.

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers filed 11/3/03.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ The drawings filed on 03 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Michael Trettel
Primary Examiner
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Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In line 2 of claim 6 "casing" has been changed to --pockets--.

The above change corrects an obvious typographical error, since upon a reading of the claims makes it clear that there is no antecedent basis for the term "said casing". Since the specification sets forth that the claimed pockets have a means for closing each end the claims has been so amended to correct the lack of antecedent basis.

Reasons For Allowance

The following is an examiner's statement of reasons for allowance: claim 1 sets forth that the mattress pad includes two attached pockets for retaining foam rubber wedges, with each pocket being formed along the side edge of the pad. The claims further states that each pocket is installed on the underside of the mattress pad and is formed by a first seam located along the edge of the mattress pad and a second seam spaced inwardly from the edge. This particular structure is not shown or suggested by the prior art of record. The closest references found relative to the subject matter of claim 1 are the cited patents to Pollard (US 4,607,402 and 4,873,734). Both of the Pollard references show a bolster system for use with a mattress, in

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which the bolsters are attached to the mattress by means of a fitted sheet assembly with integrated bolster retaining pockets. The pockets are disclosed and shown as being attached to the top side of the sheet, see for example column 3, lines 3 to 32 of the '734 patent. The pockets are disclosed as being formed by rectangular strips of material sewn to the upper side of the fitted sheet, and alternately can be attached by removable fasteners such as hook and loop fasteners. Pollard therefore explicitly suggests that the bolster retaining pockets must be attached to the top side of the sheet, for the purpose of allowing a secondary embodiment that uses fasteners attached to the top side of the sheet. As such Pollard teaches away from the concept of forming the pocket on the underside of the sheet as is set forth in claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Simon shows a mattress pads with a pad retaining pocket that is of interest. Greenhawk, Sr. shows a back bolster used upon a mattress which is of general interest. Bishop, Selton, Rains et al, Sarnie Jr. Et al, and Ikeda show mattress edge bolsters which are of general interest..

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is 703-308-0416. The examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 7.30 am to 5.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Michael Trettel
Primary Examiner
Art Unit 3673